

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT**

**BROAD-BUSSEL FAMILY LIMITED
PARTNERSHIP, et al.,**

Plaintiffs,

vs.

BAYOU GROUP LLC, et al.,

Defendants.

CIVIL ACTION NO. 3:05-cv-1762-JBA

JURY TRIAL DEMANDED

**PLAINTIFFS' UNOPPOSED MOTION FOR CLARIFICATION OF THE
COURT'S SCHEDULING ORDER AND TO MODIFY THE
TIMING FOR FILING PLAINTIFFS' MOTION
FOR CLASS CERTIFICATION**

Plaintiffs Broad-Bussel Family Limited Partnership, Marie-Louise Michelsohn, Michelle Michelsohn and Herbert Blaine Lawson, Jr. (the “plaintiffs”) respectfully move, with the consent of defendants as set forth more fully below, for clarification of the Court’s January 6, 2005 Scheduling Order and to modify the timing for filing plaintiffs’ Motion for Class Certification, and in support state as follows:

1. Under the Court's Scheduling Order dated January 6, 2006, plaintiffs were granted leave to file an Amended Complaint. Under the Court's January 6, 2006 Order, plaintiffs' Amended Complaint must be filed by March 6, 2006. As discussed during the telephone Hearing on January 5, 2006, plaintiffs' Amended Complaint may seek, among other things, to join additional parties, amend plaintiffs' claims and remedies, and even potentially amend plaintiffs' class allegations.

2. Accordingly, plaintiffs respectfully request that the Court defer the scheduling of class

certification proceedings, including the timing for filing plaintiffs' motion for class certification, until after plaintiffs file their Amended Complaint. The parties will then address and attempt to agree on a schedule for class certification proceedings in the parties' Rule 26(f) Planning Report that is to be filed with the Court on March 20, 2006.

3. Plaintiffs have conferred with counsel of record for all defendants that have appeared in these proceedings to date, in particular defendants Hennessee Group, LLC, E. Lee Hennessee, Charles J. Gradante, Citibank, N.A. and Sterling Stamos Capital Management, L.P. All such defendants have advised plaintiffs that defendants do not oppose this Motion.

Dated: January 12, 2006

BERGER & MONTAGUE, P.C.

/s/ Lane L. Vines

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